

Filed for intro on 01/27/2000  
SENATE BILL 2810 By  
Cohen

HOUSE BILL 2711  
By Odom

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 3, relative to forestry management.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 69-3-103, is amended by inserting at the end of subdivision (19) the language

"Owner or operator" also means any person who owns or leases land on which silvicultural activities occur, who owns timber on land on which silvicultural activities occur, or who conducts or exercises control over any silvicultural activities.

Tennessee Code Annotated, Section 69-3-103 is further amended by adding the following appropriately designated subdivisions:

"Forestry best management practices" means those land and water resource conservation measures that prevent, limit, or eliminate water pollution which, for forest resource management purposes, are defined in rules promulgated in accordance with Section 11-4-301(d)(18);

"Silvicultural activities" means those forest management activities associated with the harvesting of timber, including the construction of roads and trails, and the preparation of property for reforestation; and

"Stop work order" means an order issued by the commissioner of environment and conservation requiring the owner or operator to immediately cease part or all of any silvicultural activities.

SECTION 2. Tennessee Code Annotated, Title 69, Chapter 3, is amended by adding the following sections as a new part:

\_\_\_\_. When certain silvicultural activities have polluted waters of the state, as a result of an operator or owner's failure or refusal to use forestry best management practices, the commissioner may issue a stop work order. The stop work order shall require that the owner or operator cease part or all of the silvicultural activities on site. The stop work order will remain in effect until the owner or operator repairs damage and installs forestry best management practices that eliminate and prevent further pollution associated with the silvicultural activities. No stop work order may be issued or suspended without the concurrence of the commissioner of agriculture.

\_\_\_\_. A written request for a hearing on the stop work order must be filed by the owner or operator with the commissioner within ten (10) days of receipt of the notice. If a hearing is requested, it shall be commenced within a reasonable time of the request. If no request for hearing is made within ten (10) days of receipt of notice, the stop work order becomes final and not subject to review. The hearings provided for in this part shall be conducted by the commissioner in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5. Appeals from any final decision, after a hearing, shall be pursued in accordance with the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

\_\_\_\_. Failure of an owner, or operator, to comply with a stop work order shall subject such owner or operator to a penalty of up to ten thousand dollars (\$10,000) per day for each day during which the stop work order applies.

SECTION 3. The commissioner shall promulgate rules to implement the purposes of this act, including criteria and procedures for issuance of a stop work order. The proposed rules will be presented to the water quality control board for consideration no later than January 1, 2001.

SECTION 4. The provisions of this act are subject to Section 69-3-120(g) and this act does not repeal, modify, or in any way limit Section 69-3-120(g).

SECTION 5. This act shall take effect upon becoming a law, the public welfare requiring it.